

## **MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
57th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** By **CHAIRMAN AUBYN A. CURTISS**, on January 11, 2001  
at 3:00 P.M., in Room 303 Capitol.

### **ROLL CALL**

**Members Present:**

Rep. Aubyn A. Curtiss, Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Douglas Mood, Vice Chairman (R)  
Rep. Dee Brown (R)  
Rep. Roy Brown (R)  
Rep. Stanley Fisher (R)  
Rep. Gary Forrester (D)  
Rep. Carol C. Juneau (D)  
Rep. Gary Matthews (D)  
Rep. Joe McKenney (R)  
Rep. Alan Olson (R)  
Rep. Trudi Schmidt (D)  
Rep. Bob Story (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Staci Leitgeb, Committee Secretary  
Stephen Maly, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HR 2, 1/11/2001  
Executive Action: HR 2

### **HEARING ON HJR 2**

**Sponsor:** REPRESENTATIVE JOHN WITT, HD 89, CHOTEAU

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Proponents: Representative Bill Thomas, HD 93  
Bill Thompson, South Blaine County rancher  
Dale Hankins, Choteau County planner  
Morgan Darlington, citizen of Big Sandy  
Jim Cummings, owner of L&C Canoe Expeditions  
Larry Bitz, permittee on the Missouri River  
Ralph Gailey, Makum Energy  
Carl Seilstad, Fergus County Commissioner  
Rob Poertner, Board member of Missouri Stewards  
Matt Knox, Winifred rancher  
Dale Strouf, Fergus County Farm Bureau  
Oscar Canty, Winifred Teacher  
Kenneth Evans, Choteau County Commissioner  
Walt Bold, citizen  
Travis Butcher, citizen  
John Bloomquist, Montana Stock Growers Association  
Cary Hegreburg, Montana Wood Products Association  
Mike Murphy, Montana Water Resources Association  
Mike Collins, Montana Resource Providers Coalition  
Mark Peterson, Winifred rancher  
Jack Arnst, Chairman Choteau County Planning Board  
Representative Aubyn Cutriss, HD 81

Opponents: Will Boland, citizen  
Bob Decker, Montana Wilderness Association  
Wendy Whitehorn, citizen  
Mert Fregholtz, MWA  
Dyrck Van Huning, MWA,  
Glenn Monahan, citizen  
Mark Good, Montana Wilderness Association  
Stan Frasier, citizen  
Kris Dunn, citizen  
David Dittloff, MWF  
Art Dolman, Sierra Club  
Arlo Skari, Rancher  
Ross Rodgers, MWA  
Paul Edwards, Helena citizen  
Hulo Toreck, RAC chairman

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 5.8}*

REPRESENTATIVE JOHN WITT, HD 89, CHOTEAU, stated that this resolution is very similar to the joint resolution that passed in

the special session in May by approximately 69% in favor. The house resolution enforces Montana's opposition to the Missouri River Monument designation and signals our elected officials that the majority of Montanans oppose the designation. Montanans first heard that the Bureau of Land Management was working on this project almost two years ago. Since that time, numerous meetings have occurred within the local communities and the entire Montana delegation along with the governor and the BLM resource advisory committees have been deeply involved in this project. During that time, none of these entities have requested a monument designation. If anything, each of these entities has expressed its scepticism and concern regarding the impacts of the new designation for the area. Additionally, he believes the resource will suffer due to the lack of trust in federal management that will accompany a monument designation. Currently many environmental, conservation, governmental and private groups are working together to enhance the stewardship of this area working with local farmers and ranchers to ensure their practices are not negatively impacting the resources around them. Great strides are being made through these cooperative agreements, but a new national monument encompassing over 89,000 acres of private land will only disrupt the agreements and much of the work that is currently being done. Right now, the local residents have a sense of ownership in the decision making that occurs. Under a new monument bureaucracy this sense of involvement and personal ownership in the resource will be destroyed. Rather than having the say in the management of the area it will be used by federal authority. The model has been tried and proven to fail in Montana numerous times.

**Proponents' Testimony:**

***{Tape : 1; Side : A; Approx. Time Counter : 9.8}***

**Representative Bill Thomas, HD 93,** submitted written testimony.  
**EXHIBIT(feh08a01)**

**Bill Thompson, South Blaine County rancher,** submitted written testimony. **EXHIBIT(feh08a02)**

**Dale Hankins, Choteau County planner,** submitted written testimony. **EXHIBIT(feh08a03)**

**Morgan Darlington, citizen of Big Sandy,** submitted written testimony. **EXHIBIT(feh08a04)**

**Jim Cummings, Lewis and Clark Canoeing Expeditions,** said that he is a permitted outfitter on the wild and scenic Missouri River.

He stands before you here today just to let you know that a monument designation in his opinion would do nothing to change what is already being protected, what is already being worked through. As an outfitter, this could have a big impact on his business. The reason that it is believed that further protections are needed is because of the hordes of people potentially coming during the Lewis and Clark bicentennial 2003-2006. He doesn't believe that is going to be true; he hopes it is true because his business depends on increased tourism. He believes is that the wild and scenic rivers act of 1976 provides all the necessary keys and important factors in preserving this land. It has already worked for some 20 years now, it can work in the future. As far as the numbers of people coming, it is his experience as an outfitter that most of the resources that are being utilized within the wild and scenic corridor are the river. The people that are going to be following the trail will probably be going down the river. There were 4,339 boaters in 1998, there were 5,442 in 1999 and last year there was 5,090, which means there was a decrease. His business was down by 40%. The biggest scare that he has is in talking with the BLM, if this is designated as a monument, just what does that mean? There's no one that can tell you what that means. How does simply a monument status provide further protections? It is a designation without a recipe. There are no rules, they make the rules up as they go. He believes that the rules are already in place with the Wild and Scenic Rivers Act, so lets continue with that.

**Larry Bitz, permittee on Missouri River,** asked the committee to help them stop what seems to be a run away power train that is hell bent on making many of us extinct around that particular area. Many folks in his business he knows have given up because it is getting tough. When you have something like this get thrown at you without the rules of fair play, you wonder what is next. It seems like he is fighting the very people he is helping pay the salaries of. He has been at all of the meetings and heard most of the testimony and yet it seems that it just gets handed down. He is tired of fighting the people he is helping to pay; he is tired of fighting the judicial people that pass the laws that are affecting him. They have taken care of the land in the past. The reason it is in the condition it is, is because it has been taken care of. He finds it an oxymoron that they need to save something from someone who has been taking care of it. He finds that a slap on his wrist that he hasn't done a very good job. The people that are opponents to this he is committed to working with as a permittee man down there and to make sure this river is taken care of. It is a golden goose and he does not want to see it killed. The monument designation does nothing except tell him that he has not done a very good job and we need

to do something else about that. They have done a good job, and the BLM people he has talked to would agree with that.

**Ralph Gailey, Makum Energy**, submitted written testimony.

**EXHIBIT**(feh08a05)

**Carl Seilstad, Fergus County Commissioner**, submitted written testimony. **EXHIBIT**(feh08a06)

**Ron Poertner, Missouri River Stewards**, said that he lives just outside the breaks in Winifred. He thinks the resolution being considered by this committee is right on target. Many of us in central Montana have asked ourselves if there was there any point to the public review process after the president of the United States declared for himself a National Lands Legacy Initiative. A legacy that during fiscal year 2000 was appropriate 1 billion dollars in start funds and the following year has appropriated a permanent funding stream for the next ten to fifteen years. He thinks the answer is no. Only three things are needed to launch one of the biggest federal land grabs in the history of this nation: one, a presidential initiative; two, congressional funding of that initiative; three, the executive powers of the president to force lands into that initiative. A meaningful public process was not really one of them. There is one more question: Was the secretary of the interior starting the designation process as a preordained decision in spite of any opposition? The answer is yes. That can be confirmed in a speech Secretary Babbitt gave at the University of Denver law school on February 17, 2000. He said, "It would be great to get these protection issues resolved in the congressional legislative process, but if that is not possible, he is prepared to go back to the President and not only ask, not only advise, but implore the president to use his powers under the Antiquities Act to set these lands aside as national monuments." The public process was nothing but window dressing for a national agenda that had already been sealed. Finally, he would just like to say that it is a dark day for democracy in America when huge tracts of land can be removed from local economies and forced to the new resource preservation policies without the consent of the people and without any assessment of impacts.

**Matt Knox, Missouri River Stewards**, stated that this issue was dealt with during the special session. Some of you may be asking yourselves why we are revisiting this issue. To answer this question, he would like to briefly describe some of the events that have transpired since then. In June, Secretary Babbitt visited Montana and held a short series of meetings. First he said that we need to address that boundary issue. The wild and

scenic designation never had an officially registered boundary. His group worked with the congressional delegation to accomplish this. Congressman Hill introduced a bill that, if passed, would set a boundary and resolve this problem. He then talked about the lack of consensus of the natural gas issue. The industry people uniformly said that they have no interest in drilling in the wild and scenic corridor. He then expressed concern about funding for the area to prepare for the upcoming bicentennial. Senator Burns, in his capacity as member of the Interior Appropriations Subcommittee, was able to procure a sizeable funding increase for the area. Lastly he asked us to find a solution to the wilderness study areas. These WSA's have existed in our area in a state of limbo for the last 20 years and anyone who had dealt with this issue realized the impossibility of resolving the status of these areas in an eight-month time frame. We have done our best to comply with the conditions he has left us. He further promised us that before he made any recommendation to the president, he would come back and visit with us again. He broke that promise. All the hoops that he had us jumping through were apparently for nothing. They feel it is appropriate at this time to send another strong statement from this legislature.

**Dale Strouf, Fergus County Farm Bureau, Montana Farm Bureau Federation,** stated that they would like to see this resolution passed. They have been in the newspapers, they have presented testimony before in opposition of the designation of the Missouri breaks and they would like to have your support in the future.

**Oscar Canty, Winifred teacher,** stated that he teaches agriculture at that school and he has taught there for 27 years. The range has improved along the Missouri River in the last 27 years. There is more game, there is more wildlife, and that is because of the cooperation they have with farmers and ranchers and the BLM. He has been able to see the improvement because he takes his students out there and they study the range. The farmers, ranchers and the BLM have been cooperating to improve a range land and it is in better shape now than it was 27 years ago. We are seeing an improvement, and now we want to change it?

**Travis Butcher** said that he is a land owner and a small businessman. He thinks many of us that are trying to make a living in Montana see this as a situation where we have a bully in the neighborhood, who is come down on those of us that are trying to make a living and threatening the livelihood of our children, neighbors, relatives and ourselves. We come to the state legislature with our hat in our hands and ask, "Can you please help save our businesses?"

**Kenneth Evans, Choteau County Commissioner**, submitted written testimony. **EXHIBIT(feh08a07)**

**Walt Bold** submitted written testimony. **EXHIBIT(feh08a08)**

**John Bloomquist, Montana Stock Growers Association**, said that for all the reasons heard, they urge the committee to support this resolution.

**Cary Hegreberg, Montana Wood Products Association**, supports the resolution on philosophical grounds. The opponents are normally the same groups in many ways who support the process. They would just simply ask, why the rush? Why are we rushing in the next week toward designation of a national monument when we have so many public involvement and analysis processes in place?

**Mike Murphy, Montana Water Resources Association**, supports this resolution. They have concerns with regards to individual water rights and other private property rights, and the implication of additional federal involvement. They also have concern with the overall implications associated with agricultural activities in general.

**Mike Collins, Montana Resource Providers Coalition**, said that they too support the effort and these resolutions and hope that the committee does the same.

**Mark Peterson, Winifred rancher**, submitted written testimony. **EXHIBIT(feh08a09)**

**Jack Arnst, Choteau County Planning Board**, said that he recently talked to his 97-year-old neighbor who is a German immigrant about this issue. He asked his neighbor what he thought of this river designation Mr. Babbitt put up. He answered that he did not think much of it. The neighbor said he is here because Hitler took his father's land in Germany for the betterment of the people, and soon they had no land left, and no place to go, that is why he came to the United States. He doesn't really want to compare Clinton with Hitler, but there is a really good correlation here.

**Representative Aubyn Curtiss, HD 81**, said that she stands in strong support of these two resolutions opposing federal monument designation of the Missouri River and the breaks. Montana already has federal land designations, the three biosphere reserves and two world heritage sights. Already a United Nations committee has recommended an additional 14 to 18 million acres be added as a buffer zone to protect the core value of Yellowstone

Park national heritage site. About half of that is private property. Where does it all stop? The 55<sup>th</sup> legislature overwhelmingly passed a resolution stating that Montana supports policies that balance the social economic and environmental needs of people and communities with the needs of environmental preservation in the federal decision making processes.

**Opponents' Testimony:**

***{Tape : 2; Side : A; Approx. Time Counter : 1.8}***

**Will Boland** stated that he would like to speak to something he hears a lot of lately and that is the unreasonableness of the federal government to be involved in this state. As you have probably all seen, we had some disturbing statistics released a couple weeks ago where it was shown that agriculture in this state is being completely floated by the federal government. Over half of agriculture income is federal subsidy. You put this together with timber and oil subsidies and you realize that the federal government is floating a lot of money in Montana to maintain industries. His problem is that we can then turn around and act like the federal government is in our face. How can we take that kind of money and then act like they are somehow infringing upon our freedom. He finds that it is a great hypocrisy that we need to deal with up front. We have the federal government coming in talking about monument status, they represent a lot of people all over the United States that have a great interest in seeing this preserved in a concrete fashion for all time. Certainly, if you took a poll around Montana, they also would feel the same way. We feel very strongly that this is an exquisite natural area that needs to be protected and the federal government has every right to come in here and look at the situation and make its best decision. He stands before you in complete opposition to this resolution. He feels that the monument status for the Missouri River Breaks is an idea whose time has come. Thus protect the land far into the future.

**Bob Decker, Montana Wilderness Association,** stated that he believes that most of the premises for passage of resolution are either false or misleading. The first whereas says that a majority of Montanans are opposing new designation for the Missouri River breaks. The best single measure of public support, for or against the idea, probably goes right to the Montana Resource Advisory Council, which took public comment over a period of several months on the idea of managing the river. Of 453 people who commented on the process, 56% asked for increased protection of the area. According to the Great Falls Tribune, when Babbitt visited in June, a petition opposing designation had



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2,700 signatures and a petition in favor of designation had 6,700 signatures. The second whereas says the Missouri River and the breaks are protected by the federal Wild and Scenic Rivers Act, Montana subdivision law and county development regulations. In fact, the Wild and Scenic Rivers Act protects a narrow corridor along the river and does not protect or apply to the majority of the uplands that are considered in the national monument designation. Montana subdivision law has little to do with the management of public lands, federal lands. That premise is misleading or false. The next one says, whereas expanding the designation will incorporate more private and state land holdings under federal management plans. A new designation of the river will apply only to federal lands within the designation. It will not affect property rights or access to private property. The next whereas says, whereas article 4, section 3, of the constitution of the United States gives authority over public lands to congress. The authority for national monument designations comes through the Antiquities Act, which was passed by congress in 1906. The next whereas says that the vast number of areas being considered for designation as a monument does not meet guidelines of the intent of the Federal Enabling Legislation for Monument Designation, that is the Antiquities Act. In fact, President Roosevelt tested that theory very early when in 1908, he designated 808,000 acres of the Grand Canyon as a national monument. That was challenged and went all the way to the Supreme Court. The Supreme Court said that the president had the authority to designate that kind of acreage to protect the objects desired to be protected. The next whereas says the House Resolution Number 1487 requires the president of the United States to seek public input and consult with elected officials of the affected state at least 60 days before taking any action. Secretary Babbitt first visited Montana in May of 2000. Soon after asked the central Montana Resource Advisory Council to study management questions for the river and to provide input. They did that, there were many public hearings and there was a lot of public input. The next whereas, Secretary of the Interior Babbitt has violated the pledge he made during his preliminary trip to Montana in the summer of 2000 to return. That is true. The next whereas says the Clinton administration has made an 11<sup>th</sup> hour rush to create a legacy and land policy without due diligence in properly analyzing the negative impacts of local and state government decisions. It is quite possible that no consideration for national monument designation has ever received more attention and public involvement than the consideration for the Missouri River breaks.

**Wendy Whitehorn, Agriculture for Teton County**, submitted written testimony. **EXHIBIT(feh08a10)**

**Mert Fregholtz, MWA**, said that he is here to tell the committee that he is for the national monument on the Missouri River. It will stop oil and gas drilling on the river. He is not against grazing. It would not be scenic to be floating down the river and come around the bend and there would be a big oil rig sitting there. That isn't the way it was seen when Lewis and Clark came down the river.

**Dyrck Van Huning, MWA**, submitted written testimony.

**EXHIBIT (feh08a11)**

**Glenn Monahan, Anaconda citizen**, stated that since 1994 he and his wife have operated a family owned business in Fort Benton, Montana. The name of their business is Upper Missouri River Guides. They are in the tourism business; they provide their clients with fully outfitted guided canoe trips on the Upper Missouri National and Wild Scenic River. Their trips range from 3-7 days in length and focus on activities such as sightseeing, photography, wildlife viewing and history. Almost all of the money that their business generated is returned to Montana's economy in the form of payroll, capital equipment, supplies, taxes and the purchase of real estate in Fort Benton. The primary reason that their clients are coming to Montana is because of our states natural beauty. It is in our best interest and benefit to do everything we can to preserve that natural beauty. Their clients spend substantial additional time in Montana, either before or after, their river ,trips engaging in activities such as sightseeing, visiting historical sights, shopping, fishing, eating at restaurants, staying at motels and renting automobiles. As a businessman, he is looking at how national monument designation will affect Montana's economy and he sees nothing but strong benefits coming from it. He believes that the resolutions are both short sighted. It ignores that fact that tourism is probably one of the largest industries in Montana. Non-resident visitor expenditures represent new dollars to the state economy and are an important element to Montana's economy. The activity associated with non-resident travel adds diversity to the economy. The figures for non-resident travel in the context of all sectors of the economy show that non-resident travel is an important part of the states economy. The estimated tax figures suggest non-resident travel has contributed substantially to state and local taxes generating a share of taxes disproportionately larger than its share of income or employment. He is in the tourism industry and he can tell the committee that he is not working for \$7.00 an hour. He does believe that, for Montanans with an entrepreneurial spirit, there will be an abundant opportunities to earn a good living in the tourism and recreation industries.

**Mark Good, Montana Wilderness Association,** stated there was some discussion about the experience of people of the Grand Staircase area. Business people were quite supportive and continue to be quite supportive. In the two counties where the monument is located, jobs have increased. There is nothing there to suggest that the monument has had a negative impact on those counties. There is also some discussion on the matter the BLM had been heavy handed in removing some cattle off the range. There were two permittees whose livestock was removed. The primary reason was because they were overgrazing, that there is a severe drought and they had asked the permittees to remove their cattle. 116 is the number of permittees on the Grand Stair Escalante National Monument. All but two permittees complied and removed their cows from that area. This is an example of bad stewardship. There is some concern that the county commissioner is complaining that they have received a quarter of a million dollars, and they had to account for every penny of it. It seems to him that is just good fiscal responsibility. As a tax payer, he is glad that they have to account for it. When Babbitt first announced the designation was being considered, several meetings were held in various towns. These meetings had a good turn out of people. There must be 200 articles, editorials and letters debating this issue for almost 2 years now.

**Stan Frasier** stated that it never ceases to amaze him how many people seem to confuse the private property issues when we are talking about private property. The designation will affect federal public property, not private property. The BLM does not have a good history or record of well managing the lands they are responsible for. He has been on BLM grazing leases where you couldn't find much more grass than would grow out of this carpet right here. This is an issue that has been very emotional, but once again there is a lot of rhetoric and missed information mixed into it. This is about public property. The majority of the people of Montana would like to see this designation made. Passage of this resolution by this legislature would only serve to demonstrate once again that this legislature is out of touch with the people of Montana and in his opinion, out of touch with reality.

**Kris Dunn** stated that, quite simply, the public lands surrounding the wild and scenic Missouri are a monument to our heritage and to our independence. As US citizens governed federally, as well as Montanans governed by the state, she has not seen one letter or heard one speech indicating this magnificent area should not be protected and traditional uses sustained. This seems to be a common cause to both the proponents and the opponents that have spoken today. However, Senator Butcher in his opening today indicated designating this area as a national monument would be

devastating to our already devastated economy. She would disagree. As a business women with 32 years of experience in tourism, she has learned to have a successful and thriving economy you must have an anchor identification. She believes that a national monument designation coupled with Lewis and Clark bicentennial would serve such a role. Governor Martz campaigned on jobs and economic development. It is extremely perplexing to her as a business woman that as a state we would send a message and would not support a natural environmentally compatible designation that would bring free advertising, jobs and dollars to our state, while at the same time protecting our very dear heritage, and sustaining the traditional uses that have been brought forth today.

**Dave Dittloff, MWF**, stated that the breaks area is an outstanding area in numerous ways. It is outstanding for hunting, it is outstanding for recreational floating in the summer, and has numerous historic objects of antiquity, both Native American and homesteading in their tradition. Proponents of these resolutions have stated that they don't see exactly what national monument designation would do. The way MWF sees it, it will give the BLM much tighter and greater direction as far as recreational use. The number of floaters in the area is increasing drastically. The developments usually follow when that occurs. We want to prevent those over developments kind of sophisticated lodges and resorts. We want to keep this area wild, full of wildlife habitat, with the ability to maintain hunting, fishing and recreational floating. National monument designation allows for those tighter controls on recreational management and development issues within the BLM. Natural gas drilling does entail roads and facilities. All that fragments habitat and reduces wildlife security and hunting opportunities as well. ATV use will likely be addressed in monument designation as well. It will not be eliminated, but be controlled, limited to designated roads and trails. That is necessary if we are to prevent the spread of weeds and the other ecological damages caused by ATV's. National monument designation could also allow for added monies into the area. The wild and scenic designation does not allow for that.

**Art Dolman, Sierra Club**, submitted written testimony.

**EXHIBIT**(feh08a12)

**Arlo Skari, Lincoln County Conservation Board, RAC**, stated that they deliberated on the breaks area for about four months at the end of 1999. He tried during that time to put himself in the place of the farmers and ranchers and also the people of the breaks area. He simply can not come to the conclusion that they have come to. He prefers it to be monument status.

**Ross Rodgers, MWA**, said that they have been working for years and years for improved protection for this section of the Missouri. The latest stage of this fight has been the last two years when there has been a widespread public debate over the possibility of monument status. He is personally insulted that both houses of this elected body have produced resolutions saying that there hasn't been wide spread debate or opportunity for discussion. There has been a lot of it.

**Paul Edwards** said it seems a shame that this committee's valuable legislative time has been used up on the examination of resolutions which are unlikely to have any effect whatsoever on designation of the monument. This shouldn't be on what amounts of money private interests can make. This thing is a national treasure. The white cliffs are something which there is only one of them; they are not making any more of it. We have Yellowstone and Glacier Parks protecting national lands that were priceless from private enterprise and private profit. The white cliffs should be included in that kind of program and preserved forever.

**Hulo Toreck, RAC chairman**, said that this resolution is based on faulty premises. One, there has not been adequate input and, two, the majority of Montanans are against it.

**Questions from Committee Members and Responses:**

***{Tape : 2; Side : B; Approx. Time Counter : 13.3}***

**SENATOR BISHOP** stated that in the first whereas it stated that, whereas a majority of Montanans oppose a new designation for the Missouri River or the Missouri River breaks. Was there a poll taken or a study made? Do you have something that you can share with us to indicate that this is the intent of the majority of Montanans? **SENATOR BUTCHER** replied that they saw a whole series of polls taken with a variety of questions and there was one that definitely showed a majority did support, there was a number that said they did not. He thinks the general consensus of those of us supporting it was that there did not seem to be any real serious legitimate polls because the questions were all one way or the other. As far as the general consensus of it, he thinks that the bulk of the people do support it. Missouri River Stewards sent out a petition circulated statewide in a paper form and they also had an internet site. They came up with a total around 3,800 Montana signatures opposing this designation. **SENATOR BISHOP** asked if we could fairly say that this is true that a majority of Montanans oppose this designation. **SENATOR BUTCHER** answered that yes, he believes that is an accurate statement.

**REPRESENTATIVE DEE BROWN** asked all people who testified today to stand and if they have lived in Montana since the wild and scenic designation to continue standing. And all of those who live within a 4 mile radius of the designation continue standing. (Almost everyone remained standing after all questions.)

**REPRESENTATIVE STORY** said that it was stated that monument designation would put more restrictions on the use of the river. Is that correct? **David Ditloff** responded that as far as recreational floating, it might add to regulations that would lead to that, which in his mind is not necessarily a bad thing. At times there has been damage caused by too many floaters in certain campsites and that is an issue that probably needs to be addressed. **REPRESENTATIVE STORY** stated that if the designation increases the regulation of the use of the land and increases the regulation and restrictions on use of the river, how is this all going to do anything to help the economy of Montana? **David Ditloff** responded that with what RAC said in their report and what Secretary Babbitt has endorsed, is that we keep the actual monument breaks, the land within the breaks in their pristine wild condition, continue cattle grazing with current standards and guidelines, but the report said he would like to draw monies to the local cities. **REPRESENTATIVE STORY** asked if the whole plan is to bring more tourists through the nation then you have to restrict their access to the property, what is going to bring them here? **David Ditloff** stated that he believes that the one thing that sells Montana more than anything is its wildlife and pristine beauty. Keeping this area wild, pristine, full of wildlife and full of natural beauty, protecting the sites of antiquity, that is what draws tourists to Montana and he believes that is what would help the tourist economy for the area.

**SENATOR TASH** asked under whose jurisdiction would enforcement of these restrictions fall under? **David Ditloff** answered that would be under the BLM. **SENATOR TASH** asked if they would be in conjunction with the Fish Wildlife and Parks or as an independent agency? **David Diltoff** stated that in the way it has operated in the past is that the BLM has operated recreational use in that area.

**SENATOR ELLINGSON**, referring to the first whereas, asked if there is any other study that you have conducted, other than the petition, that supports your whereas referencing that the majority of Montanans oppose the designation. **SENATOR BUTCHER** responded that there is none to his knowledge. **SENATOR ELLINGSON** asked if it was his request that despite this absence of any kind of study, that the committee make a decision based upon simply an allegation? Don't you think it would be better if we had some

kind of a study to base our opinion on one way or another?

**SENATOR BUTCHER** responded that he thinks we are looking at something beyond just polls and studies. We are looking at a issue of use and impact on the state. He thinks that what we are really looking at is what is happening here in the state as far as the overall economy in the area and the people involved.

**SENATOR ELLINGSON** stated that he understands that, but what you are asking him to do is sign a document adopting a position that he has not received any evidence from. The second whereas states that expanding the designation will incorporate more private and state land holdings under federal management plans. It is his understanding that this designation would apply to public lands now under federal management. **SENATOR BUTCHER** stated that assumption is not correct. There is 89,000 acres of private land involved in this. That is one of the biggest problems with this designation. The opponents to this are trying to paint a picture that this is all a bunch of public land out there. In reality there is a lot of private land checker boarded through there. These are private ranching operations that actually exist within the management designated area. We are talking about disrupting an entire ownership pattern within this designated monument.

**SENATOR ELLINGSON** asked what the specific impact the designation would have upon private land that is within the monument area.

**SENATOR BUTCHER** said that following the pattern of these sorts of management programs that have come in. You really begin to run into reduced usage. You see this in the CMR under current management. They are getting into all kinds of access issues, even gates being blocked to access through permit use. The more power you put within the federal government, the more you wind up with a situation of restriction on the users in the area and the people who live there.

**REPRESENTATIVE JUNEAU** said there has been some question on the first whereas on the resolution. Do you have statistical information you could share with the committee? **Wendy Whitehorn** answered that she has the numbers in her notes they garnered as they were reported in the tribune. She could turn them in to the committee secretary.

**SENATOR EKEGREN** said it is his understanding that the Missouri River Stewards have taken a poll. Would you share that with the committee? **Matt Knox** stated that it came up with 54% to 37% roughly. 54% being opposed to a monument designation. What is very interesting to note is that in the town of Great Falls 64% of respondents were against monument designation.

**REPRESENTATIVE DELL** said that there has been several references to the Wild and Scenic Act of 1976 by the proponents of this

joint resolution. They have mentioned in their opinion it has worked and had done all that has been necessary in terms of protection and maintenance. Why have a new designation? **David Ditloff** said that he believes that the wild and scenic designation did its job. The main thrust of the wild and scenic designation was to prevent two dams from being built. Interestingly enough, there was a fair amount of opposition to that designation when it was in congress 25 years ago. The problems with it have not occurred. The wild and scenic designation goes from rim to rim or bank to bank depending on where you are on the river. That does not protect the heads of the coolies in the breaks, which is the most critical wildlife habitat. It is the crucial habitat that is not being protected. It is not within the boundary of the wild and scenic designation. The wild and scenic designation does not have many restrictions other than dam building. It has minimal restrictions on mining, and timber.

**REPRESENTATIVE MCKENNEY** asked if the Resource Advisory Council has ever addressed the monument designation question?

**REPRESENTATIVE THOMAS** responded that at first the council completed its job in its mission fro Sec. Babbitt to address the most prominent question that has come as a result of the controversy on the Missouri River and that was smoke and mirrors. They did not address it. Sec. Babbitt knew from the beginning that they could not come to a consensus on the designation issue, therefore they did not address it.

**REPRESENTATIVE OLSON** asked if wild and scenic rivers also limit oil and gas exploration in the river corridor? **Ralph Galley** responded that it does not. Everyone has always agreed that the bank to bank was sacred. No one has ever applied to drill inside it that he is aware of. **REPRESENTATIVE OLSON** clarified that it did limit drilling within the wild and scenic corridor? **Ralph Galley** said that is true, no one has applied for a permit to drill in there. **REPRESENTATIVE OLSON** asked how many additional acres does this take in potential gas production? **Ralph Galley** responded that he doesn't know. He said that it is about two miles wide and possibly 100 miles long.

**SENATOR WELLS** clarified if this federal designation does provide protection and has been providing the protection for this area of the river. **SENATOR BUTCHER** said that it has gone beyond just providing protection. It has actually enhanced because of the cooperation with private parties. Whenever someone owns property intermingled with public land, the stewardship of the public land can not be segregated out, so it is managed the same as the private land. It actually has enhanced the protection of the



pristine area. **SENATOR WELLS** asked, the number of acres that have been designated national monuments, if you total up these odd number of national monuments, how many acres are involved? **Bob Decker** answered that he did not know. **SENATOR WELLS** asked how many acres are involved with the Missouri River area designation? **Bob Decker** answered that the wild and scenic designation applies to what he estimated to be about 75,000 acres along that 149 miles of designated river. That is the bank-to-bank corridor. What conservationists are after is a national monument designation of close to 400,000 acres that envelopes the uplands. The public lands that form the wild life habitat and the wild areas that are not in the corridor and are not covered by that legislation. **SENATOR WELLS** asked how many acres are covered in the Staircase Escalante designation. **Dale** answered that is it 1.7 million acres.

**REPRESENTATIVE SCHMIDT** asked how different this resolution is from the one in the special session? **REPRESENTATIVE WITT** said the resolution is exactly the same except the last two paragraphs. **REPRESENTATIVE SCHMIDT** stated that some jobs have been lost and she was wondering what you were referring to. **SENATOR BUTCHER** responded that jobs would be lost. The proponents to the monument are claiming that they are going to bring a bunch of jobs in. The opponents to the monument see a large number of ranching units and such being forced out. Whenever you have a problem in a rural and agricultural economy, your raw materials are a basis for your economy, and once you have lost even one ranch, it starts a domino effect very heavily through the economy. **REPRESENTATIVE SCHMIDT** asked someone from RAC to respond to what REP. WITT said. **Hugo Turrik** is the chairman of the RAC. REP. THOMAS was correct in saying that we have no consensus on designation. The RAC is made up of 15 diverse people and are a consensus council, that means that they have to have complete agreement or it goes down in defeat. They were not able to reach a full consensus. We know there was no consensus among Montanans on this issue. **REPRESENTATIVE SCHMIDT** said that she thinks it is really sad how polarized this has gotten. What are you most afraid of if this designation is established? **Mr. Knox** said the only investment his parents ever had is in their ranch. It is a life investment for our whole family. Our ranch is a mixture of deeded state and federal lands. For us to try to fence off our private lands would be economically unfeasible and virtually impossible. So here is the dilemma, if we start to loose grazing rights and can not maintain water sources for our livestock, either way, in the end we loose grazing rights. His parent's lifetime investment is within the boundaries of that national monument. That is his biggest concern.

**Closing by Sponsor:**

***{Tape : 3; Side : B; Approx. Time Counter : 3.4}***

**REPRESENTATIVE WITT** said that the upper reaches of the Missouri River, about 70% from Fort Benton to the bridge are private lands, 30% of the river below the bridge is private land. The major impact on the Missouri River will take place from Ft. Benton to the bridge. When you travel to Fort Benton and you spend your money there next summer, and you float the river, he would like you to look in the back waters and in places along where the plastic bags are starting to float and the pop cans. He thinks the people in his county are very concerned about that too. We do need a river management plan, and the BLM has a responsibility to do that. He is talking about the river corridor, and to do something to control the traffic that travels along that river. We do not need a monument. We have Lewis and Clark, we are going to have a lot of tourists and we are glad to have those people, but we do need someone to control that traffic and take care of what is there and what they are going to use. He urges the committee to please support the resolution.

***{Tape : 3; Side : A; Approx. Time Counter : 7.8}***

**EXECUTIVE ACTION ON HJR2**

**Motion:** REP. STORY MOVED THAT HJR2 DO PASS.

**Discussion:**

***{Tape : 3; Side : A; Approx. Time Counter : 13}***

**REPRESENTATIVE STORY** stated that on line 4 where it requests that the designation not go forward. They used the word set aside any new proposed designation. And I think that is just confusing language and all he would suggest is that the word set aside be replaced with withdraw. And it accomplishes the same thing, and so that would be my motion. To amend the word set aside to withdraw and then change that d to an n on the work proven on the following line.

**Motion/Vote:** REP. DELL moved that **AMENDMENT FOR HJR2 DO PASS.**

**Motion Carried Unanimously. 12-0**

**Discussion:**

**REPRESENTATIVE DEE BROWN** stated that on page 2 the Missouri River Breaks was first traversed by the Corps of Discovery in 1805, rather than 1804, and that should be changed. She moves we change the date that Lewis and Clark were here to the actual date of 1805.

**Motion/Vote:** REP. DELL moved that **AMENDMENT TO HJR2 DO PASS.**  
**Motion Carried Unanimously. 12-0**

**Discussion:**

**REPRESENTATIVE JUNEAU** stated that on the same line that the amendment was just made, line 6 on page 2. In most of the testimony that was provided today by both sides there was no mention made of the first people of Montana, that she is sure, maintained and managed this environment very well. She thinks, just to make history correct, that we need to make sure that the first people of Montana are included in terms of perhaps eliminating, "Since first traversed by the corps of discovery in 1804," and replace it with, "As has always has existed."

**Motion/Vote:** REP. STORY moved that **AMENDMENT TO HJR2 DO PASS.**  
**Motion Carried Unanimously. 12-0**

**Discussion:**

**REPRESENTATIVE FORRESTER** stated that he came into this hearing kind of decided where he was going to vote on this, but after hearing land owners and finding out that there were so many private land holders in there, he does want the committee to know that he does respect the rights of the private land owners and he did not realize the extent of the private land holdings within the designation. He is having some trouble at this point in time opposing this resolution simply on the fact that there are so many private land holdings in there.

**REPRESENTATIVE SCHMIDT** just wanted to comment on a survey that showed 59% of those surveyed were in favor of the monument status as reported by the Great Falls Tribune. It was a survey done by the Lee Group of Papers. She thinks that the committee needs to take that into consideration as well.

**Motion/Vote:** REP. MATTHEWS moved that **HJR2 DO PASS AS AMENDED.**  
**Motion passed 9-3.**

**ADJOURNMENT**

Adjournment: 5:44 P.M.

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REP. AUBYN A. CURTISS, Chairman

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ROBYN LUND, Secretary

AC/RL

**EXHIBIT (feh08aad)**